



The Register of Copyrights of the United States of America

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June 7, 2006

Brewster Kahle
Internet Archive
116 Sheridan Avenue
The Presidio of San Francisco
San Francisco, CA 94129

Steven Metalitz
Smith & Metalitz LLP
1747 Pennsylvania Avenue, NW
Suite 825
Washington, D.C. 20006

Joseph Montoro
President
Spectrum Software Inc.
717 Saco Ct
Saint Augustine, FL 32086

Dear Mr. Kahle, Mr. Metalitz, and Mr. Montoro:

I am writing to follow-up on your participation in the Copyright Office's March 23 and March 31 public hearings of the DMCA Section 1201 Rulemaking. In particular, I am writing to you concerning the exceptions proposed by Mr. Kahle: "Computer programs and video games distributed in formats that have become obsolete and that require the original media or hardware as a condition of access," and "Computer programs and video games distributed in formats that require obsolete operating systems or obsolete hardware as a condition of access."

We are interested in each of your views as to whether the statutory exception found in 17 U.S.C. §1201(f) dealing with "reverse engineering" is sufficiently broad to permit the activities in which Mr. Kahle and Mr. Montoro seek the above exceptions to engage. In conducting your analysis, please distinguish, where appropriate, between the two proposed exceptions and between the facts put forth by Mr. Kahle and those by Mr. Montoro.

We would be grateful if we could receive your responses no later than June 23.

Thank you for your assistance in this rulemaking proceeding.

Sincerely,

David O. Carson
General Counsel